

May 25, 2004  
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IN THE SUPREME COURT OF THE STATE OF IDAHO

Docket No. 29237

STATE OF IDAHO,	)	
	)	Boise, February 2004 Term
Plaintiff-Respondent,	)	
	)	2004 Opinion No. 69
v.	)	
	)	Filed: May 25, 2004
JOHN DOE,	)	
	)	Frederick C. Lyon, Clerk
Defendant-Appellant.	)	
	)	

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Appeal from the District Court of the Fourth Judicial District of the State of Idaho for Ada County. Hon. D Duff McKee, District Judge; Hon. John Vehlow Magistrate Judge.

The decisions of the district court and magistrate court are reversed.

Harrigfeld, Pica & Stoddard, Boise, for appellant. William G. Harrigfeld argued.

Hon. Lawrence G. Wasden, Attorney General, Boise, for respondent. Lori A. Fleming argued.

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This case involves a challenge to the constitutional validity of Idaho Code section 33-512(11), which provides that any “person who disrupts the educational process...is guilty of a misdemeanor.” John Doe (“Doe”), a 10-year-old fourth grader, was charged with Disrupting the Educational Process, pursuant to Idaho Code section 33-512(11), after asking his substitute teacher for a shotgun so that he could shoot another student who had been bothering him.

Doe filed a motion to dismiss the charge, alleging that Idaho Code section 33-512(11) is void for vagueness and that the statute was not intended to apply to the actions of students. The trial court denied the motion after a hearing. Doe appealed with the Idaho Supreme Court.

Doe asked the Idaho Supreme Court to determine whether Idaho Code section 33-512(11) is unconstitutionally overbroad and/or void for vagueness. The Court held that Idaho Code section 33-512(1) is not applicable to Doe’s conduct because the statute was not intended to apply to the conduct of students attending public schools. The Court found that both the language and the

legislative history underlying the enactment of the statute evidence a legislative purpose of protecting, not prosecuting, pupils. Because the Court resolved Doe's case on statutory grounds, it did not address the issue of whether Idaho Code section 33-512(11) is unconstitutionally overbroad and/or void for vagueness.